

GAHC010068712018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2153/2018

NAWAB NASIM HAZARIKA
PROPRIETOR OF M/S PEACE ASSOCIATES, S/O NABAB AHMED, SEWALI
PATH, HATIGAON, GUWAHATI-38, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PHE DEPARTMENT, DISPUR, GUWAHATI-6

2:THE CHIEF ENGINEER
PHE
ASSAM
CHANDMARI
GUWAHATI-3

3:THE ADDL. CHIEF ENGINEER (PHE)
UPPER ASSAM ZONE
NAGAON
PO AND DIST. NAGAON
ASSA

For the Petitioner(s) : None appears

For the Respondent(s) : Ms. S. Ahmed, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 09.08.2023

1. The instant writ petition has been filed seeking a direction upon the Respondents to make the balance payment payable to the Petitioner in respect to the work done by the Petitioner.
2. It reveals from the pleadings as well as the documents enclosed that the Respondents issued a Notice Inviting Tender for the work of construction of treatment plant & charging of Filter Media, UGR, Pump House, Grade-IV Quarter site Development, Approach Road, Drain and Apron, Labour Charge for Distribution system of Bahguri Miri PWSS and Dhemaji PWSS under NRDWP (Quality) Programme of Bokakhat (PHE) Division (Group 1) with tender value of Rs.19,87,100/- only and Rs.20,14,100/- only. The Petitioner was allotted the said work and submitted his bills. It is the case of the Petitioner that the Petitioner duly completed the said works as per the specification and within the time stipulated.
3. It further transpires from the pleadings that the Petitioner received certain amounts of money however the Petitioner claims that he is yet to receive the balance amount for which the Petitioner had represented before the authorities time and again.
4. It is further relevant to take note of Annexure-E to the writ petition i.e. the replies given by the State Public Information Officer of the Office of the Executive Engineer (PHE), Bokakhat Division. From a perusal of the said information so given, it is seen that certain amounts were not disbursed on

account of non-availability of the funds.

5. It is the opinion of this Court that if the Petitioner had duly completed the work, the Petitioner ought to be paid his entitlement as per the contract. Ms. S. Ahmed, the learned counsel appearing on behalf of the PHE Department has submitted that the fact that the Petitioner was allotted the work in question is not in dispute but the actual entitlement can only be ascertained after due verifications.

6. Taking into account the above, this Court therefore disposes of the instant writ petition with the direction to the Respondents more particularly the Respondent No.2 to take appropriate steps for verification as to whether the Petitioner is entitled to any amount in respect to the works allotted to the Petitioner and if it is found that the Petitioner is entitled to any amount, the same be paid in terms with the judgment of the Full Bench of this Court in the case of ***Tamsher Ali and Others Vs. State of Assam and others reported in 2008 (4) GLT 1.***

7. The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon Respondent No.2.

8. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant